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10/829,492

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William J. Hansen

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QUARLES & BRADY LLP  
411 E. WISCONSIN AVENUE  
SUITE 2040  
MILWAUKEE, WI 53202-4497

EXAMINER

WEIER, ANTHONY J

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/829,492             | HANSEN ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Anthony Weier          | 1794                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some\*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I (claims 1-5 and 7-10) in the reply filed on 9/21/07 is acknowledged.

### *Claim Rejections - 35 USC § 112, 2nd*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear if the fluid described in line 8 is the grease previously recited or whether this is another intended fluid altogether.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19636123 (now "DE").

DE discloses an oven comprising a heating housing (2) with a heating chamber that may be used to heat grease emitting food; a drain at the base of the heating housing (40); two portable

receptacles (24 and 26) wherein same are eventually filled with grease to a predetermined fluid level (as same fills and the grease rises to the top of the receptacles) wherein a conduit (46, 22) is connected from the drain and extends into the receptacle and, therefore, within the predetermined fluid level (i.e. the top) of the receptacle or receptacles. It should be further noted that DE discloses a drip pan associated with and sloped toward the drain (8).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE (as applied above).

Claim 7 further calls for said receptacle to have a spout for delivering grease to a grease drainage site. It should be noted that it is notoriously well known to include spouts in receptacles employed for pouring contents in another area. Since DE further discloses disposing the receptacle contents, it would have been obvious to one having ordinary skill in the art at the time of the invention to have included said spout to facilitate better control during pouring of the contents from the receptacle.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (as applied above) taken together with Batten et al.

DE further discloses a valve in the conduit for controlling the fluid flow from the drain to the receptacle (20). The claims further call for the presence of a second drain for the removal of

non-grease condensation. Batten et al teaches a first drain for removal of grease and a second lower drain (22) which would inherently remove water and other non-grease condensation which exists below the grease which would float on top of the water. It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated such second drain for better controlled removal of water and grease as well as to provide a drain for easier removal of all liquid contents when the need arises to clean the inside of the oven.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE (as applied above) taken together with BR 9705607 (now "BR").

The claims further call for the use of a siphon tube for delivering accumulated grease to a grease drainage site. It is well known to employ siphon tubes in delivering grease from one place to another as taught, for example, in BR. Absent a showing of unexpected results, it would have been obvious to have incorporated such siphoning element in the apparatus of DE to facilitate even greater control of same should, for example, the receptacles overflow or to facilitate automatic removal of the grease from the receptacle in DE without having to handle or remove same.

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE (as applied above) taken together with DeSpain et al.

The claims further call for the use of a pump for delivering accumulated grease to a grease drainage site and a sensor control for disconnecting said pump when the grease level reaches a certain level. However, such systems of grease transfer and control are well known as taught, for example, by DeSpain et al wherein grease is transferred via pump from one receptacle to another and wherein the pump is deactivated using a sensor when the level of grease has reached

a certain height in the receiving receptacle. It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated such technology in the apparatus of DE to facilitate even greater control of same should, for example, the receptacles overflow or to facilitate automatic removal of the grease from the receptacle in DE without having to handle or remove same.

***Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Weier  
Primary Examiner  
Art Unit 1794

Anthony Weier  
December 7, 2007



12/7/07